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#412

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MATTHEW F. ABBOTT,  
A resident of Indiana

Plaintiff,

vs.

STARLINGER NORTH AMERICA,  
INC., an Illinois corporation,  
MAPLAN MASCHINEN und  
TECHNISCHE ANLAGEN PLANUGS  
und FERTIGUNGS Gesellschaft m.b.H.,  
an Austrian Company and STARLINGER &  
COMPANY Gesellschaft m.b.H., an  
Austrian company,

Defendants

No. 08 C 642

JUDGE DARRAH

MAG. JUDGE VALDEZ

**DEFENDANT MAPLAN MASCHINEN und TECHNISCHE ANLAGEN PLANUNGS  
und FERTIGUNGS GESMBH'S RESPONSE TO PLAINTIFF'S OBJECTION TO  
MOTION TO FILE AMENDED ANSWER AND AFFIRMATIVE DEFENSES**

Now comes the Defendant, Maplan Maschinen und Technische Anlagen Planungs und Fertigungs Gesellschaft m.b.H. (hereafter "Maplan"), by its attorneys, Lloyd E. Williams, Jr. and Hanson L. Williams, and for its Response to Plaintiff's Objection to Maplan's Motion for Leave to File its Amended Answer and Affirmative Defenses, states as follows:

1. Plaintiff's objection to Maplan's Amended Answer and Affirmative Defenses is baseless.

2. Under Fed. Civ. Proc. 15(a)(1)(B), a party may amend its pleading once as a matter of course “within 20 days after serving the pleading if a responsive pleading is not allowed and the action is not yet on the trial calendar.”

3. Maplan filed its initial Answer to plaintiff’s Amended Complaint on July 15, 2008. Maplan’s motion to file its Amended Answer was served on July 30, 2008, within the 20-day period provided for under Fed. Civ. Proc. 15(a)(1)(B).

4. As a courtesy to plaintiff’s counsel, Maplan’s counsel sent a draft of the Amended Answer to plaintiff’s counsel on July 25, 2008. Because of plaintiff’s unspecified objection to the amendment, as a courtesy to the Court and to Plaintiff’s counsel, Maplan filed a motion for leave to file its Amended Answer.

5. Plaintiff has no standing to object to Maplan’s amended pleading, which is allowed as a matter of right under the Federal Rules, and the objection should therefore be summarily overruled.

WHEREFORE, Defendant Maplan respectfully requests that this Honorable Court overrule Plaintiff’s Objection and grant its Motion for Leave to File its Amended Answer to Plaintiff’s Amended Complaint, with costs assessed against the Plaintiff, and for any other relief this Court deems just and proper under the circumstances.

Respectfully submitted,

Maplan Maschinen und Technische Angagen  
Planugs und Fertigungs Gesellschaft m.b.H.

By: /s/Lloyd E. Williams, Jr.

Lloyd E. Williams, Jr.,  
Hanson L. Williams  
WILLIAMS MONTGOMERY & JOHN LTD.  
Attorneys for Maplan Maschinen und  
Technische Angagen Planugs und Fertigungs  
Gesellschaft. m.b.H.  
20 North Wacker Drive, Suite 2100  
Chicago, Illinois 60606  
Tel: 312-443-3200  
Fax: 312-630-8500  
E-Mail: lew@willmont.com  
E-Mail: hlw@willmont.com

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